

**In The Specification:**

**Change column 2, line 3-7,**

“The system includes a Central Processing Unit (CPU). internal modem, monitor, printer, credit card reading swipe device and housing. Accordingly, besides the objects and advantages of this device/apparatus described previously in my application, several objects and advantages are (some restated):.....”

To:

“The [terminal] includes a Central Processing Unit (CPU). internal modem, monitor, printer, credit card reading swipe device and housing. Accordingly, besides the objects and advantages of this device/apparatus described previously in my application, several objects and advantages are (some restated):.....”

**As modified above, the sentences are supported by the original disclosure, pages 5 & 6.**

**Delete column 2, line 53 through column 3, line 3, deleting from “Numeral 14 generally indicates.....” through column 3, line 3**

**REMARKS**

**The objection to the claims rejection under 35 USC 103.**

The applicant respectfully requests that the rejection be withdrawn and an allowance be granted. The applicant provides the following additional facts (in addition to the expert analysis provide by Mr. Adank and numerous previous factual arguments) to support this request and overcome the examiner’s obviousness arguments.

The examiner insists that three items of prior art “**TouchFax provides the Ultimate in Place-based Interactivity**” (Exhibit E), “**Vision, Power, Versatility Analysis** (Exhibit F) and the “**Shah**” article render the applicants application unpatentable due to obviousness.

The applicant would like the examiner to reconsider the following facts (in addition to what has previously been provided) concerning obviousness rejections and respectfully requests that an allowance be granted.

- **Unexpected Result** The applicant's application provides for an unexpected result. The results achieved by the invention are new, unexpected, superior, unsuggested by any of the relied on prior art.
- **Crowded Art.** The applicant's application is in what can be considered to be Crowded Art. The invention can be classified as a crowded art; therefore, a small step forward should be regarded as significant. The applicant reminds the examiner that the time frame is January 1995.
- **Unsuggested Modification.** The prior art lacks any suggestion that the references should be modified in a manner required to meet the applicant's claims.
- **Misunderstood Reference.** The references do not teach what the examiner relies upon as supposedly teaching. Specifically, a point-of-sale terminal to access the Internet on a pay- as- you use basis.
- **Strained Interpretation.** The examiner has made a strained interpretation of the references that could only be made by hindsight. This was demonstrated by the examiner's refusal to take in to consideration the prior art reference cross walk matrix provided by Mr. Adank, an expert in the art.
- **Solved a Different Problem.** Applicant's invention solves a different problem than the references, and such different problem is recited in the claims. *In re Wright, 6 USPQ 2d 1959 ( 1988)*

- **No Convincing Reasoning.** The examiner has not presented a convincing line of reasoning as to why the claimed subject matter as a whole, including the differences over prior art, would have been obvious.
- **Unsuggested Combination.** The prior art references do not contain any suggestion (express or implied) that they be combined, or that they be combined as the examiner suggests.
- **Modifications Necessary.** It would be necessary to make modifications, not taught in the prior art, in order to combine the references in the manner suggested by the examiner.
- **Multiplicity of References.** The fact that three references must be combined to meet the invention is unequivocal evidence of unobviousness.

Applicant respectfully requests that the rejection be withdrawn and allowance be provided. The applicant has made a diligent effort to amend the application so that it is at an allowable state that defines a novel structure, unobvious because it produces new and unexpected results at the time of the application. If for any reason the claims of this corrected amendment and response are not believed to be in condition for allowance, the applicant respectfully requests that constructive assistance and suggestions of the examiner pursuant to MPEP 707 07 (j).

Sincerely,

A handwritten signature in black ink, appearing to be 'R. Mettke', with a long horizontal stroke extending to the right.

Richard P. Mettke

Ex parte,

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